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**MAILED**

APR 03 2009

**OFFICE OF PETITIONS**

|                                    |   |                      |
|------------------------------------|---|----------------------|
| In re Application of               | : |                      |
| Gary Karlin Michelson              | : |                      |
| Application No. 10/047,545         | : | DECISION ON PETITION |
| Filed: January 16, 2002            | : |                      |
| Attorney Docket No. 101.0053-01000 | : |                      |

This is a decision on the petition under 37 CFR 1.314, filed March 25, 2009, to defer issuance of the patent. A patent number of 7,520,878 and issue date of April 21, 2009 has been assigned.

The petition is **DISMISSED**.

Issuance of a patent cannot be deferred after an application has received a patent number and an issue date unless the application is withdrawn from issue under 37 CFR 1.313(b) [Office initiative] or (c) [applicant's request]. *See* MPEP 1306.01. Petitioner does not assert or satisfy the criteria for withdrawal of the application from issue pursuant to the provisions of 37 CFR 1.313(c). Accordingly, the petition considered under any reasonably applicable grounds cannot be granted.

This matter is being returned to the Office of Data Management.

Telephone inquiries regarding this decision should be directed to April M. Wise at (571) 272-1642.

/SDB/  
Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions